

ESTTA Tracking number: **ESTTA620580**

Filing date: **08/11/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	Arrow Electronics, Inc.
Granted to Date of previous extension	08/17/2014
Address	7459 S. Lima Street Englewood, CO 80112 UNITED STATES
Correspondence information	Larry H. Tronco Holland & Hart LLP P.O. Box 8749 Denver, CO 80201 UNITED STATES ltronco@hollandhart.com, lyhsu@hollandhart.com, sasinger@hollandhart.com, docket@hollandhart.com Phone:(303) 473-2873

### Applicant Information

Application No	86035593	Publication date	02/18/2014
Opposition Filing Date	08/11/2014	Opposition Period Ends	08/17/2014
Applicant	Arrow Speed Acquisition LLC 44 Tunkhannock Avenue Exeter, PA 18643 UNITED STATES		

### Goods/Services Affected by Opposition

Class 035. First Use: 0 First Use In Commerce: 0  
All goods and services in the class are opposed, namely: on-line wholesale and retail store services featuring automotive aftermarket parts; distributorship services in the field of automotive aftermarket parts

### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

### Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1565547	Application Date	08/31/1987
Registration Date	11/14/1989	Foreign Priority Date	NONE

Word Mark	ARROW
Design Mark	
Description of Mark	NONE
Goods/Services	<p>Class 009. First use: First Use: 1946/00/00 First Use In Commerce: 1965/00/00 ELECTRONIC PARTS AND COMPONENTS, NAMELY, SEMI-CONDUCTORS, INTEGRATED CIRCUITS, MICROPROCESSORS, PRE-RECORDED MEMORIES AND DISCRETE COMPONENTS, PASSIVE COMPONENTS, NAMELY, CAPACITORS, RESISTORS, AND ELECTRO-MECHANICAL DEVICES, NAMELY, POTENTIOMETERS, CONNECTORS, RELAYS AND SWITCHES; MICROPROCESSOR SYSTEM CONSISTING OF KEYBOARDS, PRINTERS, MONITORS AND PERMANENT MEMORY UNITS; PERSONAL COMPUTER ADD-ONS; CONNECTOR CABLES;[ JOYSTICKS;] INTERFACE UNITS; [PLOTTERS; MODEMS]; TERMINALS; COMPUTER PROGRAMS; [BLANK COMPUTER TAPES] AND DISKS; DISK DRIVES; AND STANDSDESIGNED SPECIFICALLY FOR COMPUTERS</p> <p>Class 016. First use: First Use: 1978/00/00 First Use In Commerce: 1978/00/00 COMPUTER RIBBONS AND PAPER DESIGNED SPECIFICALLY FOR COMPUTER PRINTERS</p>

U.S. Registration No.	1606728	Application Date	08/31/1987
Registration Date	07/17/1990	Foreign Priority Date	NONE
Word Mark	ARROW		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 037. First use: First Use: 1946/00/00 First Use In Commerce: 1965/00/00 COMPUTER CABLE CONNECTOR ASSEMBLY SERVICES, CONFIGURATION AND INTEGRATION OF SYSTEMS TO CUSTOMER'S SPECIFICATIONS, AND CONSULTING RELATED THERETO</p> <p>Class 042. First use: First Use: 1946/00/00 First Use In Commerce: 1965/00/00 DISTRIBUTORSHIP AND RETAIL STORE SERVICES SPECIALIZING IN ELECTRONIC PARTS AND COMPONENTS, COMPUTERS, COMPUTER SYSTEMS,PERIPHERAL COMPUTER DEVICES, SPECIALIZED CUSTOM COMPUTER RESEARCH AND PRODUCT DEVELOPMENT, NAMELY, DESIGNING CUSTOM CONSOLES, TAILORING SOFTWARE PACKAGES TO INDIVIDUAL CUSTOMER'S NEEDS, CONSULTING SERVICES IN THE FIELD OF COMPUTERS INCLUDING SYSTEM EVALUATIONS AND SOFTWARE VERIFICATION, AND TESTING OF COMPUTER SOFTWARE PROGRAMS, COMPONENTS AND SYSTEMS</p>		

U.S. Registration No.	1614238	Application Date	06/29/1987
Registration Date	09/18/1990	Foreign Priority Date	NONE
Word Mark	ARROW		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 037. First use: First Use: 1978/12/12 First Use In Commerce: 1978/12/12 COMPUTER CABLE CONNECTOR ASSEMBLY SERVICES, CONFIGURA-		

	<p>TION AND INTEGRATION OF SYSTEMS TO CUSTOMER'S SPECIFICATIONS, AND CONSULTING RELATED THERETO</p> <p>Class 042. First use: First Use: 1978/12/12 First Use In Commerce: 1978/12/12</p> <p>DISTRIBUTORSHIP AND RETAIL STORE SERVICES SPECIALIZING IN ELECTRONIC PARTS AND COMPONENTS, COMPUTERS, COMPUTER SYSTEMS AND PERIPHERAL COMPUTER DEVICES; SPECIALIZED CUSTOM COMPUTER RESEARCH AND PRODUCT DEVELOPMENT, NAMELY, DESIGNING CUSTOM CONSOLES, TAILORING SOFTWARE PACKAGES TO INDIVIDUAL CUSTOMER'S NEEDS, CONSULTING SERVICES IN THE FIELD OF COMPUTERS INCLUDING SYSTEM EVALUATIONS AND SOFTWARE PROGRAMS, COMPONENTS AND SYSTEMS</p>
--	---

U.S. Registration No.	3052034	Application Date	10/24/2002
Registration Date	01/31/2006	Foreign Priority Date	NONE
Word Mark	ARROW		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 1978/12/12 First Use In Commerce: 1978/12/12</p> <p>Electronic parts and components, namely, semi-conductors, namely, integrated circuits, microprocessors, pre-recorded memory products, in the nature of chips and cards, and discrete and passive components, namely, capacitors, resistors, potentiometers, connectors, relays and switches</p>		


Attachments	<p>73669039#TMSN.png( bytes )</p> <p>76461283#TMSN.png( bytes )</p> <p>2014.08.11 Arrow Speed Opposition-2.pdf(28820 bytes )</p>
-------------	--

## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/lynn hsu/
Name	Lynn Y. Hsu
Date	08/11/2014

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Arrow Electronics, Inc.  Opposer,  vs.  Arrow Speed Acquisition LLC  Applicant.	Opposition No.:  Mark: ARROW SPEED & Design   Serial No.: 86/035,593
---	---

**NOTICE OF OPPOSITION**

Arrow Electronics, Inc. (“Opposer”), a New York corporation located at 7459 S. Lima Street, Englewood, Colorado 80112, believes that it will be damaged by the registration of the trademark ARROW SPEED & Design shown in application Serial No. 86/035,593, filed on August 12, 2013 by Arrow Speed Acquisition LLC (“Applicant”), for “on-line wholesale and retail store services featuring automotive aftermarket parts; distributorship services in the field of automotive aftermarket parts” in International Class 35 (the “Application”), and hereby opposes registration.

The grounds of opposition are as follows:

1. Opposer is the largest distributor of electronic and computer parts and components in the world, and serves a broad range of markets, including the automotive market. Opposer employs more than 16,500 employees worldwide, and its global sales in 2013 alone were in excess of \$21 billion dollars. Opposer’s products and services are offered for sale through a global network of more than 460 sales facilities operating in more than 58 countries.

2. Opposer and its related companies offer a wide variety of products and services including, but not limited to, electronic and computer parts and components, as well as distribution services specializing in these products. In the automotive field, Opposer sells vehicle switches, vehicle displays, automotive connectors, automotive circuit breakers, car chargers, electronic parts for car radios, controllers for positioning vehicle headlights, and numerous other parts and components.

3. Since at least as early as 1946, and long prior to August 12, 2013, the filing date of the Application, Opposer has advertised, promoted and sold a wide variety of computer and electronic parts and components under the ARROW name and marks (the “ARROW Marks”) throughout the United States and the world. Opposer has continuously used the ARROW Marks upon and in connection with such goods, as well as distribution and retail services for such goods, since at least as early as 1946 and has been at all times pertinent hereto the owner of all right, title, and interest and to the ARROW Marks for electronic and computer parts and components.

4. Opposer has made substantial expenditures over the past 68 years to advertise and promote the ARROW Marks, including in national consumer and trade media widely circulated throughout the United States.

5. As a result of Opposer’s extensive marketing and promotion, coupled with the commercial success of its nearly seventy-year-old business, Opposer’s ARROW Marks have acquired substantial goodwill and fame and are a valuable company asset.

6. As a result of Opposer’s extensive marketing, advertising and sales efforts, the ARROW Marks are also exclusively associated with high quality computer and electronic parts and components, including automotive parts and components, originating with Opposer.

7. Opposer is the owner of, inter alia, the following United States Trademark and Service Mark Registrations for its ARROW Marks, all of which are valid and subsisting and in full force and effect, and are incontestable pursuant to 15 U.S.C. § 1065:

MARK	REG. NO.	REG. DATE	GOODS and/or SERVICES
ARROW	1,565,547	11/14/89	<p>Electronic parts and components, namely, semi-conductors, integrated circuits, microprocessors, pre-recorded memories and discrete components, passive components, namely, capacitors, resistors, and electro-mechanical devices, namely, potentiometers, connectors, relays and switches; microprocessor system consisting of key-boards, printers, monitors and permanent memory units; personal computer add-ons; connector cables; joysticks; interface units; plotters; modems; terminals; computer programs; blank computer tapes and disks; disk drives; and stands designed specifically for computers.</p> <p>Computer ribbons and paper designed specifically for computer printers.</p>
ARROW	1,606,728	07/17/90	<p>Computer cable connector assembly services, configuration and integration of systems to customer's specifications, and consulting related thereto.</p> <p>Distributorship and retail store services specializing in electronic parts and components, computers, computer systems, peripheral computer devices, specialized custom computer research and product development, namely, designing custom consoles, tailoring software packages to individual customers' needs, consulting services in the field of computers including system evaluations and software verification, and testing of computer software programs, components and systems.</p>

MARK	REG. NO.	REG. DATE	GOODS and/or SERVICES
ARROW (stylized)	1,614,238	09/18/90	Computer cable connector assembly services, configuration and integration of systems to customer's specifications, and consulting related thereto.  Distributorship and retail store services specializing in electronic parts and components, computers, computer systems and peripheral computer devices; specialized custom computer research and product development, namely, designers, custom consoles, tailoring software packages to individual customers' needs, consulting services in the field of computers including system evaluations and software programs, components and systems.
ARROW (stylized)	3,052,034	01/31/06	Electronic parts and components, namely, semi-conductors, namely, integrated circuits, microprocessors, pre-recorded memory products, in the nature of chips and cards. and discrete and passive components, namely, capacitors, resistors, potentiometers, connectors, relays and switches.

8. The foregoing registrations provide constructive notice of Opposer's ownership of, and exclusive rights in, its ARROW Marks.

9. Applicant seeks to register its Mark on an intent-to-use basis under Section 1(b) of the Lanham Act, 15 U.S.C. § 1051(b). Upon information and belief, Applicant is unable to establish use or priority of rights in the United States over Opposer in connection with Applicant's Mark.

**COUNT I**  
**Likelihood of Confusion**  
**15 U.S.C. § 1052(d)**

10. Opposer realleges and incorporates by reference the proceeding allegations of its Notice of Opposition.

11. Since well prior to the filing date of the Application, Opposer has used its ARROW Marks in connection with producing and selling electronic and computer parts and components, including in the automotive market.

12. Applicant's Mark fully encompasses Opposer's mark ARROW and covers services similar and related to the goods and services provided by Opposer under its ARROW Marks. As such, Applicant's ARROW SPEED & Design Mark is likely to cause confusion, mistake or deception among the consuming public as to the source, origin, or affiliation of Applicant's services. Applicant's services are also likely to be encountered by the same or similar class of purchasers as those who are interested in or familiar with the automotive computer and electronic goods sold and services offered by Opposer under its ARROW Marks, furthering the likelihood for confusion, mistake, or deception between Opposer's ARROW Marks, on the one hand, and Applicant's Mark, on the other hand.

13. Opposer will be damaged by the registration of Applicant's Mark because such registration would support and assist Applicant in the confusing and misleading use of Applicant's Mark in violation of Section 2(d), 15 U.S.C. § 1052(d), and would give color of exclusive statutory rights to Applicant in violation and derogation of the prior and superior rights of Opposer.

**COUNT II**  
**Likelihood of Dilution**  
**15 U.S.C. § 1125(c)**

14. Opposer realleges and incorporates by reference the preceding allegations of its Notice of Opposition.



15. Opposer's ARROW Marks are famous and well known and became famous under 15 U.S.C. § 1125(c), well prior to the filing date of the Application, and any use of the mark upon which Applicant could rely.

16. Applicant's Mark so resembles Opposer's prior used and registered ARROW Marks as to dilute or to be likely to cause dilution of the distinctive quality of Opposer's ARROW Marks thereby damaging Opposer's ARROW Marks by blurring under Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c).

WHEREFORE, Opposer Arrow Electronics, Inc. respectfully prays that application Serial No. 86/035,593 be refused, that no registration be issued thereon to Applicant, and that this opposition be sustained in favor of Opposer.

The filing fee in the amount of \$300 is being transmitted electronically with this submission. Any deficiency in the fee should be charged to Deposit Account No. 08-2623.

Dated this 11th day of August, 2014.

Respectfully submitted,

/s/ Lynn Hsu

Larry H. Tronco

Lynn Y. Hsu

HOLLAND & HART LLP

One Boulder Plaza

1800 Broadway, Suite 300

Boulder, CO 80302

(303) 473-2873 (phone)

(303) 473-2720 (fax)

**Attorneys for Opposer  
Arrow Electronics, Inc.**

**CERTIFICATE OF SERVICE**

I certify that on August 11, 2014, I served a copy of the above NOTICE OF OPPOSITION to the following by:

- ☒ U.S. Mail, postage prepaid  
☐ Hand Delivery  
☐ Fax

Paul J. Kennedy  
Pepper Hamilton LLP  
Eighteenth and Arch Streets  
3000 Two Logan Square  
Philadelphia, Pennsylvania 19103

/s/ Rachel Held